

TWENTY-FIRST DAY
(Thursday, February 15, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore, Senator Meier.

The roll was called and the following Senators were present: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Blake, Longoria, Truan.

A quorum was announced present.

The Reverend L. M. Roberts, Greater Union Baptist Church, Austin, offered the invocation as follows:

O God our Father, we come to Thee to ask of Thee to please help us in this great struggle to bring about peace and harmony, and security with contentment.

We do pray for these men and women in their effort to form a better government for these Thy people to live by. O God give them needed strength in every area of their lives. Please give them good strong minds, and sound judgment to determine the best for our great State. And please protect them as they go about their daily activities, from all hurt, harm and danger.

In Christ's name and for His sake. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Parker.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Vale.

Senator Blake was granted leave of absence for today on account of important business on motion of Senator Farabee.

MESSAGE FROM THE HOUSE

House Chamber
February 15, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

H.C.R. 65 inviting the governor to address a joint session of the house and senate on February 21, 1979

H.C.R. 66 in memory of the Honorable Homer Leonard, former Speaker of the House

S.B. 83 relating to a supplement appropriation to the State Board of Registration for Professional Engineers for construction of a building and related expenses

S.B. 106 relating to the time limits for the state to be ready for trial in certain misdemeanor offenses

S.B. 353 relating to compensation of the Sabine River Compact commissioners

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHORS OF SENATE BILL 525

On motion of Senator Snelson and by unanimous consent, Senators Kothmann, Schwartz and Williams will be shown as Co-authors of **S.B. 525**.

CO-AUTHOR OF SENATE BILL 103

On motion of Senator Doggett and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 103**.

CO-AUTHOR OF SENATE BILL 601

On motion of Senator Brooks and by unanimous consent, Senator Santiesteban will be shown as Co-author of **S.B. 601**.

CO-AUTHOR OF SENATE BILL 482

On motion of Senator Harris and by unanimous consent, Senator Santiesteban will be shown as Co-author of **S.B. 482**.

CO-AUTHOR OF SENATE BILL 413

On motion of Senator Short and by unanimous consent, Senator Price will be shown as Co-author of **S.B. 413**.

CO-AUTHORS OF SENATE BILL 396

On motion of Senator Moore and by unanimous consent, Senators Andujar, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, McKnight, Mengden, Schwartz, Short, Snelson, Traeger and Vale will be shown as Co-authors of **S.B. 396**.

CO-AUTHOR OF SENATE BILL 256

On motion of Senator McKnight and by unanimous consent, Senator Schwartz will be shown as Co-author of **S.B. 256**.

CO-AUTHOR OF SENATE BILL 411

On motion of Senator McKnight and by unanimous consent, Senator Schwartz will be shown as Co-author of **S.B. 411**.

REPORTS OF STANDING COMMITTEES

Senator Schwartz submitted the following report for the Committee on Natural Resources:

S.B. 416
S.B. 469
S.B. 551 (Amended)
C.S.S.B. 301 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 125
S.B. 121 (Amended)
S.B. 472
S.B. 489
C.S.S.B. 419 (Read first time)
C.S.S.B. 348 (Read first time)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 213 (Amended)
S.B. 294 (Amended)
C.S.S.B. 130 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 377

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 571 by Parker State Affairs
Relating to the period of duration of certain corporations.

S.B. 572 by Jones of Harris Intergovernmental Relations
Relating to the creation of the 274th Judicial District, composed of Fort Bend County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.101; and declaring an emergency.

S.B. 573 by Farabee Jurisprudence
Relating to the membership of the Texas Judicial Council; amending Section 3, Chapter 19, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 2328a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 574 by Doggett Intergovernmental Relations
Relating to creation of the 268th Judicial District, composed of Travis County.

S.B. 575 by Schwartz Jurisprudence
To amend Section 2(1), Chapter 9, Acts 65th Legislature, Regular Session, 1977 (Article 6252-26a, V.C.S.), relating to the definition of medical staff or students covered by the Act; and declaring an emergency.

S.B. 577 by Schwartz Natural Resources
Relating to the powers and duties of the Parks and Wildlife Commission and the Parks and Wildlife Department, certain funds used by the Parks and Wildlife Department, and certain criminal penalties.

S.B. 578 by Schwartz Natural Resources
Relating to the regulatory duties of the Parks and Wildlife Commission.

S.B. 579 by Schwartz Natural Resources
Relating to fees for commercial fishing licenses.

S.B. 580 by Schwartz Natural Resources
Relating to the authority of the Parks and Wildlife Commission to set the fee for the issuance of certain licenses.

S.B. 581 by Howard, Price, Intergovernmental Relations
Creighton, Farabee, Blake
Relating to the ratification and implementation of the Red River Compact.

S.B. 582 by Farabee Finance
Relating to the imposition, levy, and collection of local sales and use tax by certain cities and certain metropolitan rapid transit authorities; clarifying the imposition and allocation of local use tax; defining "place of business" for local sales and use tax purposes; amending Subsection A of Section 4 and Subsections A and B of Section 6, Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes); and by adding Subsections E and F to Section 4; amending Subdivision (1), Subsection (B)(c) of Section 11B, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), and by adding Subdivisions (4) and (5) to Subsection (B)(c) of Section 11B.

S.B. 583 by Farabee Natural Resources
Relating to hunting turkey in Foard County.

S.B. 584 by Doggett Finance
Relating to the optional use of the franchise tax short form return; allowing corporations with total assets of less than \$1,000,000 to use the short form return and amending the tax schedule to reflect the new asset limit; reconciling the short form reporting period with the Article 12.08 reporting period; providing an effective date; amending Sections (1) and (2), Article 12.19, Title 122A, Taxation —General, Revised Civil Statutes, 1925, as amended.

S.B. 585 by Short, Mengden Finance
Relating to the allocation to and use by school districts of certain sales and use tax revenue.

S.B. 586 by McKnight State Affairs
Relating to hazardous duty pay for law-enforcement personnel of certain state agencies.

S.B. 587 by Braecklein Human Resources
Relating to health services for persons with cystic fibrosis.

S.B. 588 by Braecklein Intergovernmental Relations
Relating to fees allowed to sheriffs and constables.

S.B. 589 by Farabee Finance
Making a supplemental appropriation to the Judiciary Section-Comptroller's Department; and declaring an emergency.

S.B. 590 by Harris State Affairs
Relating to the regulation, licensing, and taxing of horse racing and pari-mutuel wagering; defining offenses; and prescribing penalties.

S.B. 591 by Mauzy, Schwartz Economic Development
Relating to the authority of certain insurers to invest in bonds and securities of the State of Israel.

S.B. 592 by Traeger Economic Development
Relating to a repeal of the penalty for assessing property for taxes without state registration.

S.B. 593 by Jones of Taylor Education
Relating to public school education; amending various provisions of the Texas Education Code, as amended, as follows: amending Sections 16.055 and 16.056, relating to the compensation of certain school district personnel; amending subsections (a), (c), (k), and (n) of Section 16.102 and adding subsection (o) to Section 16.102, relating to allocation formulas for personnel under the Foundation School Program; amending Section 16.151, relating to allocation formulas for operating expenses; amending Section 16.176, relating to support for educationally disadvantaged pupils; amending subsections (c), (g), and (i) of Section 16.206, relating to allocation formulas for transportation services; amending Section 16.252, relating to a school district's share of the cost of the Foundation School Program; amending Sections 16.301, 16.302, and 16.304, relating to equalization aid for school districts; amending Section 11.86, relating to the determination of school district index values; amending Subchapter A of Chapter 11, by adding Section 11.201, relating to community education services; and amending Subchapter B of Chapter 11, by adding Section 11.312, relating to funding for internships in educational administration and supervision.

S.B. 594 by Brooks Human Resources
Relating to contracts for services between the Texas Department of Health and shelter centers that provide shelter and services to victims of family violence.

S.B. 595 by Brooks Jurisprudence
Relating to court orders for the protection of members of a family or a household.

S.B. 596 by Farabee Finance
Relating to notice of a reappraisal for property tax purposes.

S.B. 597 by Schwartz Jurisprudence
Relating to the indictment, trial, and punishment of certain youthful offenders; establishing a Youthful Offender's Act; amending the Penal Code by adding a new Title 12; amending Section 51.04 (a), Family Code; amending Section 51.14(a), Family Code; and amending Section 8.07, Code of Criminal Procedure, 1965, as amended.

S.B. 598 by Jones of Harris Human Resources
Amending Chapter 1, Acts of the 46th Legislature, Regular Session, 1939, as amended (Article 1269k-1, Vernon's Texas Civil Statutes), to provide that certain bonds or obligations of housing authorities and certain non-profit corporations, when secured by a pledge of housing assistance payments from the United States Government pursuant to Section 8 of the United States Housing Act of 1937, as amended, are authorized security for all public deposits and lawful investments for certain entities; and declaring an emergency.

S.B. 599 by Jones of Taylor Human Resources
Relating to regulation of podiatrists.

S.B. 600 by Jones of Harris Jurisprudence
Relating to persons not authorized to receive license as an attorney at law; amending Article 311, Revised Civil Statutes, 1925, as amended; and declaring an emergency.

S.B. 601 by Brooks, Doggett, Jones of Harris, Human Resources
Santiesteban
Relating to the use of equivalent drug products in filling prescriptions.

S.B. 602 by Ogg State Affairs
Relating to the selection of delegates to national nominating conventions and party nominees for public office.

S.J.R. 38 by Short, Mengden Finance
Proposing a constitutional amendment dedicating a portion of state sales taxes for public primary and secondary education and requiring state funding of new primary and secondary education programs.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

H.C.R. 60, To Committee on Education.

H.B. 20, To Committee on Education.

(President in the Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
February 15, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR
SESSION:

Pursuant to the provisions of Section 5, Article III of the Constitution of Texas, I herewith submit as an emergency matter the following:

- 1) Senate Bill No. 466 by Brooks, providing for an emergency appropriation to the University of Houston for fire damage to a building, not to exceed \$450,000.
- 2) Senate Bill No. 547 by Farabee, providing for a supplemental appropriation to the Texas Board of Architectural Examiners from the Architect Registration Fund (No. 109), not to exceed \$35,000.
- 3) Senate Bill No. 425 by Harris, providing for a supplemental appropriation to the Texas Real Estate Commission from the Real Estate License Fund (No. 114), not to exceed \$166,511.
- 4) Senate Bill No. 173 by Moore, creating the 272nd District Court in Brazos County.
- 5) Senate Bill No. 151 by Schwartz making a supplemental appropriation to the State Rural Medical Education Board from the General Revenue Fund, not to exceed \$130,000.
- 6) Senate Bill No. 589 by Farabee providing for a supplemental appropriation to the Judiciary Section, Comptrollers Department from the General Fund, not to exceed \$4,000.

Respectfully submitted,

/s/William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
February 15, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS TECH
UNIVERSITY:

For a six-year term to expire January 31, 1985:

MR. J. FRED BUCY of Dallas, Dallas County, is being reappointed.

TO BE A MEMBER OF FLEET ADMIRAL CHESTER W. NIMITZ
MEMORIAL NAVAL MUSEUM COMMISSION:

For a six-year term to expire January 31, 1985:

MR. PAUL THAYER of Dallas, Dallas County, is being reappointed.

TO BE A MEMBER OF THE ADVISORY BOARD OF ATHLETIC
TRAINERS:

For a six-year term to expire January 31, 1985:

MR. MICHAEL KAY (SPANKY) STEPHENS of Austin, Travis County, is
being reappointed.

TO BE A MEMBER OF THE TEXAS AMUSEMENT MACHINE
COMMISSION:

For a six-year term expiring January 31, 1985:

MR. HALL E. TIMANUS, SR. of Houston, Harris County, is being
reappointed.

TO BE MEMBER AND CHAIRMAN OF THE TEXAS BOARD OF HEALTH:

For a six-year term to expire February 1, 1985:

ROBERT D. MORETON, M.D. of Houston, Harris County, is being
reappointed.

TO BE A MEMBER OF THE BANDERA COUNTY RIVER AUTHORITY:

For a six-year term to expire January 31, 1985:

MRS. CARMEN HICKS of Bandera, Bandera County, is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF MENTAL HEALTH AND
MENTAL RETARDATION:

For a six-year term to expire January 31, 1985:

MRS. MARVIN (ELLIE) SELIG of Seguin, Guadalupe County, is replacing
the Honorable Menton Joseph Murray of Harlingen, Cameron County, whose
term expired.

MR. L. GRAY BECK of San Angelo, Tom Green County, is replacing Mr.
Lynn Darden of Wichita Falls, Wichita County, whose term expired.

MR. WILLIAM B. SCHNAPP of Houston, Harris County, is replacing Mr.
Robert Parsley of Houston, Harris County, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD OF HUMAN RESOURCES:

For a six-year term to expire January 20, 1985:

MR. WILLIAM TERRY BRAY of Austin, Travis County, is replacing Mr.
Jamie H. Clements of Temple, Bell County, whose term expired.

TO BE A MEMBER OF THE STATE BOARD OF NURSE EXAMINERS:

For a six-year term to expire January 31, 1985:

MRS. DOROTHY JOHNSON of Amarillo, Potter County, is replacing Ms.
Geddes McLaughlin of Dallas, Dallas County, whose term expired.

TO BE A MEMBER OF THE ADVISORY COUNCIL ON SMALL BUSINESS
ASSISTANCE:

For a six-year term to expire January 31, 1985:

MR. CALVIN W. STEPHENS of Dallas, Dallas County, is replacing Mrs.
Jon (Betty) Hardwick of Baird, Callahan County, whose term expired.

TO BE A MEMBER OF THE PARKS AND WILDLIFE COMMISSION:

For a six-year term to expire February 1, 1985:

MR. EDWIN L. COX, JR. of Dallas, Dallas County, is replacing Mr. Louis H. Stumberg of San Antonio, Bexar County, whose term expired.

TO BE A MEMBER OF THE TEXAS DEEPWATER PORT AUTHORITY:

For a six-year term to expire January 31, 1985:

MR. D. TRUITT DAVIS of Abilene, Taylor County, is being reappointed.

TO BE THE CITIZENS MEMBER OF THE STATE BANKING BOARD:

For a two-year term to expire January 31, 1981:

MR. BOB J. PERRY of Nassau Bay, Harris County, is replacing Mr. Sam E. Carter of Temple, Bell County, whose term expired.

TO BE A MEMBER OF THE TEXAS CONSERVATION FOUNDATION:

For a six-year term to expire January 31, 1985:

MR. ALBERT B. FAY of Houston, Harris County, is replacing Mr. L. D. Brinkman of Dallas, Dallas County, whose term expired.

Respectfully submitted,

/s/William P. Clements, Jr.
Governor of Texas

HOUSE CONCURRENT RESOLUTION 65

The President laid before the Senate the following resolution:

H.C.R. 65, Inviting The Honorable William P. Clements, Jr., Governor of Texas, to address a Joint Session of the House and the Senate on February 21, 1979.

The resolution was read.

On motion of Senator Braecklein and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 28

Senator Mengden offered the following resolution:

WHEREAS, The United States experienced its first major energy crisis in 1973 as a result of the Arab oil embargo, and the American public became acutely aware of this nation's growing energy demands and heavy reliance on foreign sources; and

WHEREAS, The imminent possibility of gasoline rationing in 1979 because of political instability in one country, Iran, clearly indicates the failure of the federal government's response to the mammoth energy problems of this nation; and

WHEREAS, Texas officials and numerous energy analysts have warned for years that unless this nation embarks upon an all-out energy production and conservation effort its economy and national security will be severely threatened when global demands for OPEC oil exceed production capacity in the 1980's; and

WHEREAS, The federal energy program, rather than promoting domestic energy production, relies heavily on regulatory control of the marketplace, which has contributed to the drastic reduction in United States energy production, the

continual balance of trade deficits, the plight of the U.S. dollar on the world money market, and the current energy crisis with prospects of peacetime rationing of gasoline; and

WHEREAS, A strong economy must be a goal of the energy program, and this can be achieved only if the program is based on the free enterprise system, involves a minimum of government control, promotes energy conservation, and fosters the maximum development of all energy sources on a nationwide scale; and

WHEREAS, Energy experts from the respected Organization for Economic Cooperation and Development in Paris have recommended the following policies as some of those needed to achieve increased domestic production: elimination of price controls on crude oil and natural gas; accelerated granting of exploration leases and production licenses, principally in Alaska, the North American Continental Shelf, and some sectors of the North Sea; moderation of environmental requirements for new energy developments, particularly coal and nuclear power; incentives for application of secondary and tertiary oil recovery techniques; active promotion of coal utilization by removal of demand constraints; substitution of coal and nuclear fission for oil wherever possible; and stronger government programs for project development in solar energy, coal conversion, and extraction techniques for shale oil and tar sands; and

WHEREAS, These experts also believe significant potential exists for further reducing future energy demands through such action as pricing domestic energy at world levels, which would produce conservation through market forces, and selected mandatory measures such as speed limits, transportation efficiency standards, industry conservation monitoring, and insulation standards and building codes; and

WHEREAS, To preserve domestic prosperity and maintain its national security and place as a leader among the nations of the Free World, the United States must implement immediately an energy production and conservation program that is truly "the moral equivalent of war" in order to regain its energy independence; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 66th Legislature hereby memorialize the President and the Congress of the United States to launch, without delay, an all-out energy production and conservation effort consistent with policy recommendations from the Organization for Economic Cooperation and Development and to halt the steady encroachment into the American marketplace by energy and environmental bureaucrats, who are largely responsible for the decline in the domestic production and development of energy resources; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded to the President of the United States, the Secretary of the Department of Energy, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the Congressional Record as a memorial to the Congress of the United States of America; and, be it further

RESOLVED, That Texas state agencies and officials be hereby directed to lead the way in fuel conservation and production efforts on the state level aimed at regaining this nation's energy independence.

The resolution was read and was adopted.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. (Notice of submission of these names having been given by Senator McKnight on yesterday.)

EXECUTIVE SESSION

Senator McKnight moved the Senate meet in Executive Session to consider the nominations.

There was no objection.

Accordingly, the President at 11:33 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

IN LEGISLATIVE SESSION

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:45 o'clock a.m. today.

REPORT OF STANDING COMMITTEE

Senator McKnight submitted the following report for the Committee on Nominations:

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration and beg to report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the BOARD OF PARDONS AND PAROLES: Dr. George G. Killinger, Walker County.

To be Members of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Howard Richards, Jefferson County; Jon Newton, Travis County; James L. Powell, Schleicher County.

NOMINEES CONFIRMED

Senator McKnight moved confirmation of the nominees reported by the Committee on State Affairs, Subcommittee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The nominees as reported by the Subcommittee on Nominations were then confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

HOUSE BILL 300 ON SECOND READING

Senator Patman moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **H.B. 300** be taken up for consideration at this time:

H.B. 300, Relating to the creation, establishment, administration, maintenance, operation, and financing of the Elgin Hospital District of Bastrop and Lee Counties, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time and was passed to third reading.

HOUSE BILL 300 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 300** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

HOUSE CONCURRENT RESOLUTION 19 ON SECOND READING

Senators Clower and Santiesteban moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **H.C.R. 19** be taken up for consideration at this time:

H.C.R. 19, Creating a committee to select the State Artist.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The resolution was read second time and was adopted.

SENATE BILL 74 ON SECOND READING

Senator Mengden moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 74** be taken up for consideration at this time:

S.B. 74, Relating to the defense of certain suits against peace officers employed by an incorporated city or town or a special purpose district.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend SB 74 by striking the period at the end of Section 2 and adding the following:

“and determines that the officer is without fault or finds that the officer acted with a reasonable good faith belief that his actions were proper.”

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 74 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 74** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

SENATE BILL 228 ON SECOND READING

Senator Farabee moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 228** be taken up for consideration at this time:

S.B. 228, Relating to the power of the probate court to grant independent administration of decedents' estates.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 228 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 228** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Patman and Vale asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 256 ON SECOND READING

Senator McKnight moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 256** be taken up for consideration at this time:

S.B. 256, Relating to the civil jurisdiction of the county courts at law.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend line 20 of **S.B. 256** by striking "Twenty Thousand Dollars (\$20,000)" and substituting in lieu thereof "Ten Thousand Dollars (\$10,000)".

The amendment was read and failed of adoption by the following vote: Yeas 12, Nays 14.

Yeas: Andujar, Braecklein, Creighton, Farabee, Howard, Jones of Taylor, Mauzy, Meier, Patman, Santiesteban, Short, Snelson.

Nays: Brooks, Clower, Doggett, Harris, Jones of Harris, Kothmann, McKnight, Mengden, Ogg, Price, Schwartz, Traeger, Vale, Williams.

Absent: Moore, Parker.

Absent-excused: Blake, Longoria, Truan.

The bill was passed to engrossment.

SENATE BILL 256 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 256** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Moore

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

SENATE BILL 413 ON SECOND READING

Senator Short moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 413** be taken up for consideration at this time:

S.B. 413, Relating to the number of trustees to be elected at the first regular election of a school district which has been converted from common to independent status.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time.

Senator Short offered the following committee amendment to the bill:

Amend **S.B. 413** by striking lines 20 through 24 of page 1, and line 1 of page 2, and substituting the following:

“their respective terms of office expire. Each district shall continue to be governed by the same number of trustees elected for the same terms of office in effect immediately preceding the district’s reclassification.”

The committee amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 413 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 413** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

MESSAGE FROM THE HOUSE

House Chamber
February 15, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

H.B. 353, A bill to be entitled An Act relating to the boundaries, taxing power, directors, and bonds of the Wood County Central Hospital District of Wood County, Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 452 ON SECOND READING

Senator Santiesteban moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 452** be taken up for consideration at this time:

S.B. 452, Relating to the testimony of an accomplice in a prosecution under the Alcoholic Beverage Code; amending Section 101.06 of the Texas Alcoholic Beverage Code, 1977; and declaring an emergency.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Jones of Taylor.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 452 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 452** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Jones of Taylor.

Absent: Moore.

Absent-excused: Blake, Longoria, Truan.

The bill was read third time and was passed.

MEMORIAL RESOLUTIONS

S.R. 136 - By Schwartz: Memorial resolution for Joseph John Piperi.

S.R. 137 - By Schwartz: Memorial resolution for Ardy E. Blakely, Sr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 133 - By Howard: Extending congratulations to Sam M. Walton.

S.R. 134 - By Schwartz: Extending welcome to Robert M. Cohen.

S.R. 135 - By Jones of Harris: Extending welcome to Houston Technical Institute students.

ADJOURNMENT

On motion of Senator Moore the Senate at 12:24 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 19, 1979.

In Memory

of

The Honorable Homer Leonard

Senator Doggett offered the following resolution:

(House Concurrent Resolution 66)

WHEREAS, The State of Texas lost one of its most distinguished and respected citizens with the death of the Honorable Homer Leonard, former speaker of the Texas House of Representatives, on February 14, 1979, at age 80; and

WHEREAS, A native of Texas County, Missouri, Mr. Leonard moved to Texas in 1927 and served in the Texas House as a representative from Hidalgo County from 1931 until 1947; and

WHEREAS, This exemplary statesman was elected by his colleagues as speaker of the house of representatives of the 47th Legislature in 1941, and he presided during that session with fairness, good humor, and a ready wit, which gained him the admiration and esteem of fellow members; and

WHEREAS, After retiring from the legislature in 1947, he served as general counsel for the Texas Brewer's Institute until his retirement in 1971; and

WHEREAS, Involved in numerous community charity activities, Mr. Leonard and his wife, Nona, received in 1963 a statewide award from the Texas Association for Retarded Citizens for their work with retarded children; and

WHEREAS, Admired for his dedication to this state and beloved for his good nature, Homer Leonard will long be remembered by those he faithfully served and by his many friends throughout the state; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 66th Legislature pay tribute to the life of service of former Speaker Homer Leonard and extend sympathy on their great loss to his family: to his wife, Mrs. Nona Leonard of Austin; to his daughters, Barbara Leonard Smith and Marcia Faye Leonard, both of Austin; and to his three grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when the two houses of the Texas Legislature adjourn this day, they do so in memory of the Honorable Homer Leonard.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.